REMARKS

Claims 1-35 were pending and presented for examination in this application. In an Office action dated August 30, 2006, claims 1-35 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicants are adding new claim 36 with this Amendment and Response. Applicants are amending claims 1, 18, and 35 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Rejection Under 35 USC § 101

In the 3rd paragraph of the Office action, Examiner has rejected claims 1-34 under 35 USC § 101 as allegedly being directed to an abstract idea that does not present a concrete tangible result. Claims 1 and 18 have been amended to recite outputting a result set referencing the at least one media file. The output of a result set is a concrete tangible result and the claims should therefore now be in compliance with USC § 101. Claims 2-17 and 19-34 depend from claims 1 and 18 respectively. Therefore, Applicants respectfully request that Examiner reconsider the rejections to claims 1-34, and withdraw them.

Response to Rejection Under 35 USC § 112, Paragraph 2

In the 6th paragraph of the Office action, Examiner has rejected claims 1-35 under 35 USC § 112, ¶ 2 as allegedly not particularly pointing out and distinctly claiming the subject matter that the Applicants regard as the invention. Specifically, Examiner asserts that the terms, "receiving", "capturing" and "monitoring a plurality of applications" are vague because it is unclear as to what elements are performing these functions. Claims 1-17 and 35, recite methods comprised of a sequence of actions. Reciting the specific elements that perform the actions is not necessary to distinctly claim steps of the methods and Examiner has failed to point out any section of the MPEP that establishes the alleged requirement. Further, 35 USC § 112, ¶ 2 makes no suggestion that such elements are required to particularly point out and distinctly claims the steps of a method.

Claims 18-34 recite a computer readable medium containing program code for executing a sequence of actions. Applicants submit that claims 18-34 are also in compliance with 35 USC § 112, ¶ 2 for the same reasons as above. Therefore, Applicants have not amended claims 1-34 based on the rejection under 35 USC § 112, ¶ 2 because Applicants believe the claims are in compliance with 35 USC § 112, ¶ 2. If Examiner maintains this rejection, Applicants respectfully request that Examiner provide support for it in the next official action.

Examiner has further rejected claims 1-34 under 35 USC § 112, ¶ 2 as allegedly being incomplete for omitting essential elements. Applicants have amended claims 1 and 18 to recite a specific step of outputting a result set referencing the at least one media file. In making this amendment, Applicants do not concede that the step of outputting results is an essential element or that the omission of this element amounts to a gap between elements.

Claims 2-17 and 19-34 depend from claims 1 and 18 respectively. Therefore, Applicants respectfully request that Examiner reconsider the rejections to claims 1-34, and withdraw them.

Response to Rejection Under 35 USC 103(a) in View of Barr and Chen

In the 9th paragraph of the Office action, Examiner rejects claims 1-35 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,742,816 to Barr, et al. ("Barr"), in view of U.S. Patent No. 6,728,763 B1 to Chen ("Chen"). This rejection is now respectfully traversed.

Representative claim 1, as amended, recites

> …responsive to capturing the one or more events, indexing and storing at least some of the event data and articles associated with the events…

The claimed invention captures one or more events, and responsive to capturing the one or more events, indexes and stores at least some of the event data and articles associated with the events. One benefit of this method is, for example, it can be used to automatically create a searchable database that can be searched for information relating to media files.

Barr does not disclose the claimed invention. Barr discloses identifying documents and multimedia files corresponding to a search topic. A document index database is searched that contains a list of search terms related to terms in a search query. Thus, Barr merely discloses a conventional search for multimedia files and does not disclose how the document index database is created. Specifically, Barr does not disclose capturing one or more events and responsive to capturing the one or more events, indexing and storing at least some of the event data and articles associated with the events.

Examiner refers to col. 12 lines 16-18, 46-53, and 54-65 of Barr. In these lines, Barr merely discloses receiving a search query and searching a document index database that stores a document identification number corresponding to each document file. Examiner indicates in paragraphs 9 and 10 of the Office action that receiving a search query in Barr discloses capturing an event. However, Barr does not disclose indexing and storing responsive to receiving a search query. Rather, in Barr, indexing and storing must occur prior to receiving the search query. Thus, the action of receiving a search query in Barr is not the same as capturing an event in the context of claims 1-35, as amended. Therefore, Barr does not disclose indexing and storing responsive to capturing an event, as claimed.

Chen also does not disclose the claimed invention. Chen discloses playing live and streaming media through a web client's browser. Chen does not mention or suggest receiving a search query or determining the at least one media file as relevant to the search query. Further, Chen shares the deficiency of Barr that it also does not disclose capturing one or more events having associated event data and responsive to capturing the one or more event, indexing and storing at least some of the event data and articles associated with the events. Therefore, the claimed invention would not have been obvious to a person of ordinary skill in the art at the time of the invention because Barr and Chen do not disclose all the elements of the claimed invention, either alone or in combination.

Based on the above amendment and the remarks, Applicants respectfully submit that for at least these reasons claims 1-35 are patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsiders the rejections, and withdraw them.

CONCLUSION

Applicants have added new claim 36 for which Applicants request consideration and examination. Applicants respectfully submit that this is supported by the specification and is commensurate within the scope of protection to which Applicants believe they are entitled.

In sum, Applicants respectfully submit that claims 1-36, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
David Benjamin, Stephen Lawrence and David Marmaros

Date: November 30, 2006

By: /Brian Hoffman/

Brian M. Hoffman, Attorney of Record
Registration No. 39,713
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (415) 875-2484
Fax: (650) 938-5200

24207/10115/DOCS/1666930.3